

**PATENT APPLICATION DECLARATION
COMBINED WITH POWER OF ATTORNEY**

Attorney's Docket No.: **A-5704**

☒ Regular (Utility)

☐ Design Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEMS AND METHODS FOR ADAPTIVE SCHEDULING AND DYNAMIC BANDWIDTH
RESOURCE ALLOCATION MANAGEMENT IN A DIGITAL BROADBAND DELIVERY
SYSTEM**

the specification of which:

☒ is attached hereto

☐ was filed on:
as U.S. Serial No.:
and was amended on

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s):

☒ no such application(s) filed.

☐ such application(s) identified as follows:

Country	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional applications(s) listed below:

Prior Provisional Application(s):

☐ no such application(s) filed.

☒ such application(s) identified as follows:

Application Number	Date of Filing (day, month, year)
60/138,756	11 June 1999
60/170,302	13 December 1999

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the examination of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

☒ no such application(s) filed.

☐ such application(s) identified as follows:

Application No.	Filing Date (month, day, year)	Status (Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

I HEREBY APPOINT THE FOLLOWING AS MY ATTORNEY(S) OR AGENT(S) WITH FULL POWER OF SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT AND TRADEMARK OFFICE CONNECTED THEREWITH:

NAME(S)	REG. NO.(S)	ASSOCIATE POWER OF ATTORNEY ATTACHED
Kenneth M. Massaroni	33,015	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Kelly A. Gardner	35,147	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Hubert J. Barnhardt III	36,739	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
John Eric West	46,279	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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Send correspondence to:

Scientific-Atlanta, Inc.
Intellectual Property Department
One Technology Parkway, South
Norcross, GA 30092-2967
Direct Telephone Calls to: (770) 236-5950

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first or sole inventor	ARTURO A. RODRIGUEZ	
Inventor's signature		Date
Residence	NORCROSS	GEORGIA
	City	State or Foreign Country
Citizenship	UNITED STATES	
	Country	
Post Office Address	5315 ABIGAIL LANE	
	Street Address	
	NORCROSS	GA 30092
	City	State or Country Zip Code

Full name of second named joint inventor	DEAN F. JERDING	
Inventor's signature		Date
Residence	ROSWELL	GEORGIA
	City	State or Foreign Country
Citizenship	UNITED STATES	
	Country	
Post Office Address	315 SEVENTEENTH FREEWAY	
	Street Address	
	ROSWELL	GA 30076
	City	State or Country Zip Code